IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8206 of 2003

Between:

1. Gollapothu Prasad
2. Danduprolu Venkateswarlu
3. Danduprolu Rama Rao
4. Danduprolu Venkateswarlu
5. Danduprolu Chandramouli
6. Vallabuni Pothuraju
7. Danduprolu Ramanaiah
8. Danduprolu Gandhi
9. Danduprolu Venkataratnam
10. Danduprolu Venkata Reddaiah

(All are fishermen by occupation, r/o Gundamala village, Kothapatnam Mandal, Prakasham District.)

..... PETITIONERS

AND

1. State of Andhra Pradesh rep. by its Principal Secretary, Agriculture Department, Secretariat Buildings, Saifabad, Hyderabad.

2. The A.P. Pollution Control Board rep by its Chairman, Maithrivanam, Hyderabad.

3. The District Collector, Prakasam District, Ongole.

4. The Revenue Divisional Officer, Ongole, Prakasham District.

5. Singurthu Nageswara Rao.

6. Gollapothu Pala Chandra Rao

7. Gollapothu Bhaskar Rao

8. Gollapothu Srinu

9. Danduprolu Mukundam

10. Danduprolu Prakasham

11. Vallabuni Ramanamma

12. Kiladi Krishna

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 4 in not initiating any action on the legal notice dated 25-11-2002 got issued by the petitioners seeking prevention of Prawn culture taken up by respondents 5 to 12 adjacent to the village Gundamala as illegal, irregular and violative of Art.14, 19 and 21 of the Constitution of India and also the provisions of the A.P. Board of Revenue Standing orders and consequently direct the respondents 1 to 4 to take all steps for prevention of prawn culture or any acqua culture by respondents 5 to 12 adjacent to the village of Gundamala and take all such necessary steps for prevention of pollution being spread.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1, 3 and 4: GP FOR REVENUE

Counsel for the Respondent No.2: Mr.S.V.Bhatt

Counsel for Respondents 5 to 12: Mr.K.Anand Rao (Not present)

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The petitioners' grievance is against the inaction on the part of the respondents 1 to 4 in ensuring prevention of prawn culture taken up by respondents 5 to 12 adjacent to Gundamala village, Kothapatnam Mandal, Prakasham District.

We have perused the affidavit filed by R.M.Gonela, Member Secretary of the 2nd respondent Board, which states that inspection was carried out in respect of the acqua ponds belonging to respondents 5 to 12 and the said respondents were found indulging in acqua culture. Though earlier the Revenue Divisional Officer had

directed to stop acqua culture, ryots were again making preparations to take up prawn culture. It is also stated that during inspection, it was observed that acqua ponds are found without construction of peripheral drains, water waste treatment system like reserve ponds for treatment of effluents and providing buffer zone.

After going through the record, we dispose of the petition with direction to respondents 3 and 4 to ensure that acqua culture, if it is still being carried on in the land situated in Survey Nos.392 to 395 of Chinnapallapalem of Gundamala village or its periphery without due permission, is stopped forthwith and steps are taken to ensure that such activity is not carried on in future without due permission obtained from the competent authority. Respondents will comply with this order within a period of two months from the date of receipt of this order.

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DEVINDER GUPTA, CJ

19-8-2004

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C.V.RAMULU, J

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To

1. Principal Secretary, State of Andhra Pradesh, Agriculture Department, Secretariat Buildings, Saifabad, Hyderabad.
2. The Chairman, A.P. Pollution Control Board, Maithrivanam, Hyderabad.
3. The District Collector, Prakasam District, Ongole.
4. The Revenue Divisional Officer, Ongole, Prakasham District.
5. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

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